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19 FIDELITY NATIONAL TITLE INSURANCE COMPANY  
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21 DESIGNATED LOCAL COUNSEL FOR SERVICE OF  
22 PROCESS ON SINCLAIR BRAUN LLP PER L.R. IA 11-1(b)

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26 **UNITED STATES DISTRICT COURT**  
27 **DISTRICT OF NEVADA**

28 BANK OF NEW YORK MELLON,  
Plaintiff,  
vs.

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY,  
Defendant.

Case No.: 2:20-CV-02124-RFB-BNW

**STIPULATION TO EXTEND STAY OF  
CASE**

Plaintiff Bank of New York Mellon (“BONY”) and defendant Fidelity National Title Insurance Company (“Fidelity”) (collectively, the “Parties”), by and through their undersigned counsel, stipulate and agree as follows, subject to the approval of the District Court:

Whereas, BONY filed this action on November 18, 2020 (ECF No. 1);

Whereas, BONY filed a first amended complaint on March 11, 2021 (ECF No. 19);

1           Whereas, On April 5, 2021, Fidelity moved to dismiss the first amended complaint based  
2 upon an argument that BONY breached the prompt notice provision of the subject title insurance  
3 policy (ECF No. 25);

4           Whereas, the Parties agreed to stay discovery in this action and to vacate the scheduling  
5 order pending the disposition of Fidelity's motion to dismiss (ECF No. 42);

6           Whereas the Court granted the Parties' stipulation on January 3, 2022 (ECF No. 43);

7           Whereas the Court denied Fidelity's motion to dismiss at hearing on March 25, 2022 (ECF  
8 No. 47);

9           Whereas, this is one of over 100 title insurance coverage disputes pending before the  
10 courts within the state of Nevada following an HOA foreclosure sale. The majority of cases  
11 concern the ALTA 1992 or ALTA 2006 loan policies of title insurance, along with the CLTA  
12 100/ALTA 9, CLTA 115.1/ALTA 4, and CLTA 115.1/ALTA 5 endorsement forms;

13           Whereas, the Parties to this action are actively engaged in discovery in dozens of matters  
14 that are pending before courts within this jurisdiction;

15           Whereas, given the similar nature and overlapping issues of these disputes, the Parties  
16 anticipate that some of the discovery in this case would be duplicative of discovery already  
17 pending in other cases;

18           Whereas, the discovery in other pending cases may narrow the issues for discovery in this  
19 case;

20           Whereas, the Parties in this case are also engaged in settlement negotiations;

21           Whereas, the Parties respectfully agree that the interests of efficiency and judicial  
22 economy are best served by extending the stay of this case for six (6) months to allow the parties  
23 to further explore whether settlement is a possibility and to work through the particular  
24 circumstances of this action.

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1           **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
2 stipulate and agree as follows: the stay in the instant action shall be extended six (6) months,  
3 through October 28, 2022. The Parties shall submit a status report on or before October 21, 2022  
4 regarding the status of the case.

5 Dated: April 22, 2022

WRIGHT, FINLAY & ZAK

6  
7 By: /s/-Lindsay D. Dragon  
LINDSAY D. DRAGON  
8 Attorneys for Plaintiff  
BANK OF NEW YORK MELLON

9 Dated: April 22, 2022

SINCLAIR BRAUN LLP

10  
11 By: /s/-Kevin S. Sinclair  
KEVIN S. SINCLAIR  
12 Attorneys for Defendant  
FIDELITY NATIONAL TITLE INSURANCE  
13 COMPANY

14 **IT IS SO ORDERED.**

15 Dated this 2nd day of May, 2022.

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RICHARD F. BOULWARE  
18 UNITED STATES DISTRICT JUDGE  
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